

## **REMARKS**

In accordance with the foregoing, claims 1-22 are amended. No new matter is added. Claims 1-22 are pending and under consideration.

### **ALLOWABLE SUBJECT MATTER**

Applicants acknowledge with appreciation the indication of allowable subject matter. However, since Applicants consider that claim 1, from which claims 4-7, 15 and 16 depend, defines patentable subject matter, claims 4-7, 15 and 16 are maintained in dependent form at the present time.

### **CLAIM REJECTIONS UNDER 35 U.S.C. §112**

Claims 1, 3, 5, 6, 7, 11, 16, 17, 19, 21, and 22 are rejected under 35 USC 112. All the claims are amended herewith to clarify the claimed subject matter. If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

In view of the claim amendments, Applicants respectfully request withdrawal of the rejection.

### **CLAIM REJECTIONS UNDER 35 U.S.C. §103**

Claims 1-3, 8-14, 21 and 22 are rejected under 35 U.S.C. §103(a) as obvious over U.S. Patent Application Publication No. 2002/0109076 to Tochio et al. ("Tochio") in view of U.S. Patent Application Publication No. 2002/0171902 to Berhane et al. ("Berhane").

The date of the invention established by filing a certified translation of the priority document of the current application is August 22, 2002 (the certified translation was filed on April 9, 2007). Therefore, Tochio qualifies as prior art under 35 USC 102(e). Tochio, as noted on the first page thereof is assigned to Fujitsu Limited. The present application is also assigned to Fujitsu Limited as noted in the assignment recorded at reel 014432 and frame 0209.

35 USC 103(c)(1) particularly states:

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

The subject matter of Tochio and the claimed invention of the present application were,

at the time the claimed invention was made, owned by Fujitsu Limited or subject to an obligation of assignment to Fujitsu Limited. As a result, Tochio does not qualify as prior art because of the exclusion of 35 USC 103(c)(1).

Since Tochio is disqualified as prior art reference based on 35 USC 103(c)(1), Applicants respectfully submit that all the claims are patentable.

## CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: Sept. 25, 2007

By: LTodor  
Luminita A. Todor  
Registration No. 57,639

1201 New York Avenue, NW, 7th Floor  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501